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Citation for published version:

Ioris, AAR 2008, 'Water policy making in Scotland: Political demands and economic pressures' *Local Economy*, vol 23, no. 4, pp. 319-324. DOI: 10.1080/02690940802408052

Digital Object Identifier (DOI):

[10.1080/02690940802408052](https://doi.org/10.1080/02690940802408052)

Link:

[Link to publication record in Edinburgh Research Explorer](#)

Document Version:

Peer reviewed version

Published In:

Local Economy

Publisher Rights Statement:

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Antonio A. R. Ioris

Addresses for correspondence:

School of Geosciences
University of Edinburgh
Drummond Street
Edinburgh, UK
EH8 9XP

This is the author's final draft as submitted for publication. The final version was published by Local Economy by SAGE Publications UK (2008).

Cite As: Ioris, AAR 2008, 'Water policy making in Scotland: Political demands and economic pressures' *Local Economy*, vol 23, no. 4, pp. 319-324.

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Made available online through Edinburgh Research Explorer

Water Policy Making in Scotland: Political Demands and Economic Pressures

Antonio A. R. Ioris

University of Aberdeen¹

In the last few years, water management has been changing from rigid rules and prescriptive controls in favour of more flexible and comprehensive responses. In the European Union, water management has been in a process of rapid transformation, particularly after the approval, in 2000, of the Water Framework Directive (WFD). The Directive has important repercussions for water use and conservation and brings additional demands to official agencies and concerned stakeholders. The introduction of the new regulatory regime is not immune from controversy and disputes, but, on the contrary, it has spurred a growing politicisation of water management issues (Page and Kaika, 2003). As in the rest of Europe, the introduction of water reforms in Scotland has been a contested experience in which private and public sectors clash and collaborate according to multiple agendas. Its close association with political Devolution further amplifies the politicisation of water reforms in Scotland. After nearly three centuries of a monolithic government system, a Scottish administration holds, since 1999, control over a range of public matters. Environmental regulation is one of the devolved areas of public administration, which means overseeing WFD in 1/3 of the British territory. Yet there are still overlaps and uncertainties in many areas directly or indirectly related to the environment, as in the case of energy generation (e.g. hydropower), where public policies are still a prerogative of London, but planning authorisations are decided in Edinburgh.

The transition from a previously centralised UK government to a re-established Scottish administration has had important political, material and symbolic consequences for dealing with water problems in Scotland. Before Devolution, it was significantly more difficult to reform the Scottish law due to a shortage of parliamentary time (in Westminster). After Devolution, the restricted importance of Scottish issues in the UK political arena is now compensated by the mobilisation of time and resources in the Scottish Parliament (Hendry, 2006). Crucially, the coincidence between the approval of

¹ *Correspondence address:* Department of Geography and Environment, Elphinstone Road, Aberdeen, AB24 3UF. Email: a.ioris@abdn.ac.uk

WFD in the European Union and the reinvention of the Scottish administration has favoured the exploitation of water reforms as a strategic political asset. By cleverly articulating a sense of national pride around the introduction of the water legislation, the young parliamentary structure tried to ascertain its political vision and operative efficiency. The fact that, in 2003, Scotland was the first region to translate WFD into national legislation was praised as a proof that the infant public sector can do things 'faster and better'. Not only the possibility to tailor the legislation to the Scottish needs has improved, but the mechanisms of political representation also changed considerably. The focus of stakeholder mobilisation shifted from London to Edinburgh, prompting a new range of alliances and cooperation around parliamentary activities (Ison and Watson, 2007). The involvement of key stakeholder groups played an important role in shaping the new legislation, but without necessarily resulting into stronger democratic representation. On the contrary, lobbying and bargaining have exposed a highly controlled process of collective learning and public involvement.

Scotland has historically been a divided country, a nation characterised by splits between Highlands and Lowlands, west and east, urban and rural, Protestants and Catholics, all factors that work to dissipate Scottish national identity and compromise its future prospects. In the decades that preceded Devolution, economic and political disputes led to an aggravation of social and geographical divisions (Danson, 1999). Amid such important challenges, Devolution represented a unique opportunity to recreate Scottish territorial unity by changing legal, symbolic and administrative configurations. As observed by Swyngedouw (2000), the resurrection of the regional and local scales of governance is part of the broader myth of 'globalisation' that junks existing spatial configurations and scales of governance and produces new ones in the process. Due to the political synergies between WFD and Devolution, water management reforms became an important component of a 'double scissor' of territorialisation and deterritorialisation. To be sure, water management needs to be territorialised, given the unique geographical characteristics of regions and catchments. The territorial management of water should, therefore, reflect local social and environmental circumstances without becoming the object of exogenous political expedients. However, the legitimating demands of the newborn Scottish State have given rise to a politically

asymmetric territorialisation of the water reforms. Instead of an even-handed reform, which focused on ecological and social goals, the introduction of WFD in Scotland has intensified long-term divisions, to the detriment of its formal objectives of sustainable water management.

The asymmetry associated to the water reforms is evident from the fact that the stronger groups of water users (hydropower, water industry, distilleries, larger farmers, etc.) and stronger economic regions (industrial areas, whisky production valleys, tourism hotspots, irrigation clusters, etc.) have been able to exert sustained pressure in decisive moments of WFD implementation. The influence of stronger players has been instrumental to contain the possibilities and prospects of the new regulatory regime. Because of its emblematic relevance, the implementation of WFD should have triggered a proper accountability for the mistakes created past by the private appropriation of common water resources. However, the tacit agreement between stronger groups and the State apparatus has maintained the reforms within narrow objectives. Instead of allowing effective solutions to long-term impacts, the asymmetric territorialisation of water reforms has meant only restricted adjustments and circumscribed changes in existing activities. In practice, rather than restoring the quality of the water environment *per se* and for the benefit of the entire nation, the new regulation aims mainly the rectification of problems in areas with marked economic or political importance.

The politically asymmetric territorialisation of water management is constantly reinforced by the mechanisms of public involvement in the WFD implementation. It is in the spirit of WFD to increase the degree of stakeholder involvement, based on the principle that decisions should be taken at the level of administration that is 'as close as possible to the citizen'. However, the governance mechanisms conferred by Devolution transferred responsibilities from London to Edinburgh without cascading the decision power to the lower, local level of decision-making (i.e. catchment settlements and smaller towns). As it happened, stakeholders have participated mainly via the restricted space of public consultations. Although there is a duty to consider the representations made during the consultation, the government has ample discretion to accept or reject any suggestion. The situation is common in other parts of Europe, where public involvement has been manipulated according to political interests, without really moving European citizens

much 'closer' to environmental regulation (Jordan, 2000). Likewise, other opportunities for public involvement, related to the preparation of the River Basin Management Plans, similarly replicate the same biased pattern of public involvement. Apart from the one-sided decisions about the membership in the discussion groups (participants are selected by a 'structured approach' adopted by the Scottish Environment Protection Agency - SEPA), the role of the participants is merely consultative and their inputs are limited to fine-tuning the production of the RBMP. Members are invited to engage (and validate) a structured form of public involvement, on SEPA's own terms, whilst the majority of the catchment population and smaller organisations remain either unaware of the procedures or lack means to take part in the process. It means that the involvement of the public is being, once more, reduced to a series of meetings with a fixed schedule of activities.

The tacit importance assigned to WFD in Scotland has been instrumental to reduce the anomy and suspicion of the general public about the new regulation. As in other countries, public involvement has become an element of propaganda and political legitimisation. However, the recurrent emphasis on the importance of WFD to Scotland conceals the historical causes of environmental problems and the asymmetric balance of power. Water reforms have ultimately become entangled with the reaffirmation of the 'Scottish myth' (cf. McCrone, 2001), according to which there is an inherent egalitarianism among the Scots. The myth is in direct contradiction with a highly unequal society that has failed to achieve minimal levels of civilised life to all its members. It is not because environmental laws improved after Devolution that environmental management necessarily changed on the ground. On the contrary, if it is true that WFD raised awareness about water problems, serious barriers remain unresolved or were discursively magnified. The problem is demonstrated by the limited opportunities for the creative involvement of water stakeholders.

Another important area of contention is the assessment of environmental impacts and formulation of solutions. WFD is, by definition, a 'framework' type of legislation, which means that it systematises the direction that European countries should follow. Within reasonable technical boundaries, member countries can interpret the Directive requirements in order to restore water bodies to 'good ecological status'. If the current condition deviates from good status, a series of measures must be in place to guarantee

environmental restoration by 2015. The regime seems supple enough, but the devil here is in the detail: only those measures that are ‘proportionate’ and ‘feasible’ are legally enforced. Because the regulators can only impose (economically) informed and (politically) defensible conditions to water users, there is a legitimate route for the avoidance or, at least, minimisation of the financial costs associated to mitigation measures.

The use of ‘rational’ analytical tools to justify positioned water management decisions is certainly not new in Scotland, but the disputes about proportional and disproportional mitigation costs has further immersed the WFD agenda in a highly monetised game. If during the Industrial Revolution water became a source and repository of private profits, the WFD regime has established that the management of water should be based on a rational and cost-effective mitigation of impacts. That is argued despite the fact that there is no empirical evidence that monetisation really improves environmental management. On the contrary, the economic exacerbation of water is ultimately an attempt to solve the historical problems of commodification via additional processes of nature commodification. The ‘cash nexus’ (cf. Foster, 2002) inevitably leads to an exacerbation of the economic features of managed water systems, at the expense of other social and cultural dimensions.

The reform of water management in Scotland has provided an invaluable opportunity to grasp the connections between territorial politics, environmental vulnerability and economic pressures. The reliance on the generic assessment of ecological processes and the quick-fix solution to long-term impacts betray the technocratic basis of the new water management approaches. That is directly related to the hegemonic discourse of ‘free markets’ and private ownership of natural resources. In effect, the dominant forms of dealing with water remain bound by market assumptions about how nature operates and what purpose it serves. The economic imperatives behind water use inevitably lead to a wasteful consumption of water and water-related resources, such as electricity, which has been rarely questioned during the introduction of the new regulatory regime. The best that WFD can offer is a search for efficiency and rationalisation, ignoring the difficult questions about the ultimately need to expand domestic or industrial water demand. Needless to say that such a movement is in

accordance with the prominence given by Devolution to economic growth and private business interests.

Overall, the WFD approaches to water management in Scotland have been greatly constrained by the political and economic priorities of Devolution, which tend to overlook the long chain of connections between problems at the catchment level and processes operating at broader geographical scales. While most user sectors (agriculture is the exception) are likely to increase significantly the use of water during the implementation of WFD, the new regulation is incapable of dealing with the close relationship between poor water quality and social deprivation in other marginalized areas. As pointed out by Frodeman (2006), today policies embodies positivist and proceduralist biases “in that it seeks to rationalize and make more efficient the expression of our values, while abstaining from the project of making these values themselves more reasonable”. Although some localised and patchy improvements are expected as result of WFD, the introduction of an economic-based regulation will continue to raise tensions and contradictions. So far, the key outcomes of the WFD experience have been an unnecessary complexification of water management and the widespread use of the money language. If in the past, water development was responsible for serious disruptive interventions (e.g. dam construction), the contemporary water reforms have refuelled conflicts and deepened uncertainties.

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